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Attorney for Defendant
TOSTADO

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,

Plaintiff

vs.

FRANCISCO TOSTADO,

Defendant

2:21-cr-00058-CDS-EJY

STIPULATION TO
CONTINUE SENTENCING
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by Defendant FRANCISCO TOSTADO ("TOSTADO"), by and through his attorney, LANCE A. MANINGO, and the United States of America, by and through MELANEE SMITH, Assistant United States Attorney, that the Sentencing hearing currently scheduled for August 14, 2023, at 10:00 a.m. be vacated and continued to a minimum of thirty (30) days, to a date and time convenient for this Court.

This Stipulation is entered into for the following reasons:

1. TOSTADO and his counsel require additional time to prepare for the sentencing hearing, including time to evaluate and address the contents of the Presentence Investigation Report, prepare an effective Sentencing Memorandum, and have

1 time to receive potential exhibits from TOSTADO's family in support of his
2 Sentencing Memorandum. A continuance of Sentencing will facilitate
3 TOSTADO's preparation for the hearing;

- 4 2. Defendant is in custody and does not object to a continuance;
5 3. The Government does not object to a continuance;
6 4. The denial of this request for a continuance could result in a miscarriage of
7 justice; and
8 5. This is the first request for a continuance of the sentencing date in this case.
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10 RESPECTFULLY SUBMITTED this 3rd day of August, 2023.
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12 By: /s/ Lance A. Maningo
13 LANCE A. MANINGO
14 Attorney for Defendant
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By: /s/ Melanee Smith
MELANEE SMITH
Attorney for United States

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,

Plaintiff

vs.

2:21-cr-00058-CDS-EJY

FRANCISCO TOSTADO,

Defendant

Order

FINDINGS OF FACTS

Based upon the pending Stipulation of the parties, and good cause appearing therefore,
the Court finds that:

This Stipulation is entered into for the following reasons:

1. TOSTADO and his counsel require additional time to prepare for the sentencing hearing, including time to evaluate and address the contents of the Presentence Investigation Report, prepare an effective Sentencing Memorandum, and have time to receive potential exhibits from TOSTADO's family in support of his Sentencing Memorandum. A continuance of Sentencing will facilitate TOSTADO's preparation for the hearing;
2. Defendant is in custody and does not object to a continuance;
3. The Government does not object to a continuance;
4. The denial of this request for a continuance could result in a miscarriage of justice; and
5. This is the first request for a continuance of the sentencing date in this case.

CONCLUSIONS OF LAW

The ends of justice are served by granting the requested continuance.

ORDER

IT IS THEREFORE ORDERED that sentencing in this matter currently scheduled for August 14, 2023, at 10:00 a.m.. is vacated and continued to September 18, 2023 at 11:00 a.m. in LV Courtroom 6B.


DATED: August 4, 2023


UNITED STATES DISTRICT JUDGE

Respectfully submitted by:

 **MANINGO LAW**
Est. 2002

By: /s/ Lance A. Maningo
Lance A. Maningo
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